



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

June 11, 2009

Laura Todd
U.S. Fish and Wildlife Service
Newport Field Office
2127 SE OSU Drive
Newport, OR 97365

RE: Draft Environmental Impact Statement for the Western Snowy Plover Habitat
Conservation Plan (EPA Project Number 03-029-FWS)

Dear Ms. Todd:

The U. S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Western Snowy Plover Habitat Conservation Plan (HCP) (CEQ No. 20090115) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

This DEIS analyzes the FWS action of issuing an Incidental Take Permit to Oregon Parks and Recreation Department (OPRD) for incidental take coverage of the snowy plover over a 25-year period (2008-2033). The DEIS considers a no action alternative and two action alternatives.

State lands administered by the Oregon Parks and Recreation Department play an important role in conservation of western snowy plovers and their habitats. The proposed HCP is an important step toward providing the protection needed to promote recovery. Importantly, the proposed HCP recognizes that the western snowy plover cannot be preserved simply through general habitat protection. Western snowy plovers must be actively monitored and managed to achieve recovery goals on State lands or their population size will decline.

We commend OPRD for the careful development of this HCP and EIS, recognizing the many social and ecological values associated with Oregon's sandy beaches. Based on our analysis, we are rating the DEIS LO (Lack of Objections). An explanation of this rating is enclosed. We also offer the following comments and recommendations that we feel would further strengthen the Final EIS.

Recommendation: Expand the public education and enforcement strategy. Many of the identified conservation actions are related directly to long-standing human uses along the beach (dog walking, kite flying, etc.) As such, monitoring and enforcement will be key. Without compliance, predicted species benefits will not be realized. We support the proposed additional

enforcement, as well as the recruitment of volunteers to serve as docents for public outreach and education. Given the importance of these activities to ensuring compliance, we recommend that the Final EIS include an expanded discussion about how these kinds of non-traditional public education and enforcement strategies would be implemented. We also recommend expanding the docent program to include all of the proposed management areas.

Recommendation: Update the Final EIS to reflect the issuance of the final recovery plan for the snowy plover. The DEIS references a 2001 Draft Recovery Plan (p. 2-16). A final recovery plan for the Pacific Coast Population of the Western Snowy Plover was signed in 2008. We recognize that it may be cost prohibitive to fully implement the recovery plan (p. 2-37). However, it is important that the FEIS consider the most recent recovery plan in developing and analyzing alternatives. The recovery plan is available at <http://www.fws.gov/arcata/es/birds/WSP/plover.html>.

Thank you for this opportunity to comment on the DEIS. If you have any questions please contact Teresa Kubo of my staff at (503) 326-2859.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and
Sediment Management Unit

Enclosures:
EPA Rating System for Draft EISs